

KOVALIC *et al.*  
Appln. No. 09/684,016  
Page 4

### Remarks

Following entry of the foregoing amendments, claims 11-16 will be pending. Claims 13, 14, and 15 have been amended. Support for the amended claims may be found throughout the specification including in the original claims, for example at page 57, lines 20-21, and in the sequence listing. No new matter is added by these amendments.

#### **I. Rejection of Claim 14 under 35 U.S.C. §112, First Paragraph, Written Description**

Claim 14 was rejected under 35 U.S.C. §112, first paragraph as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Office Action mailed June 17, 2003 at page 5. The Office asserts that the claim limitation of "base pairs 1 through 123 of SEQ ID NO:48411" is not described in the specification and is considered as new matter. *Id.* Applicants respectfully disagree and point, for example, to the specification at page 14, lines 18-23 and page 18, lines 26-28 where nucleotides are referred to as bases. Additional support for Claim 14 is found in SEQ ID NO:48411 of the sequence listing where 143 nucleotides or bases of a sequence are provided. Nonetheless, in order to facilitate prosecution, Claim 14 has been amended. As such, Applicants respectfully request that this rejection of Claim 14 as containing new matter be withdrawn.

KOVALIC *et al.*  
Appln. No. 09/684,016  
Page 5

## II. Rejection of Claim 15 under 35 U.S.C. §112, Second Paragraph, Indefiniteness

Claim 15 was rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite for failing to point out and distinctly claim the subject matter which Applicants regard as the invention. Office Action at page 5. The Office argues that there is insufficient antecedent basis for the Claim 15 limitation "said second nucleic acid molecule." *Id.* at page 6. In order to facilitate prosecution, Claim 15 has been amended. As such, Applicants respectfully request that the rejection of Claim 15 under 35 U.S.C. §112, second paragraph, indefiniteness, be withdrawn.

## III. Objection to Claim 13

Claim 13 was objected to for recitation of "having a nucleic acid sequence having the nucleic acid sequence of." Office Action at page 7. Applicants respectfully submit that the amendments suggested by the Examiner are unnecessary because an inventor is free to act as her own lexicographer as long as she does not give any term a meaning that is repugnant to the art. *See In re Hill*, 161 F.2d 367, 73 U.S.P.Q. 482 (C.C.P.A. 1947). Nonetheless, Claim 13 has been amended in order to facilitate prosecution. Accordingly, Applicants respectfully request that the objection to Claim 13 be withdrawn.

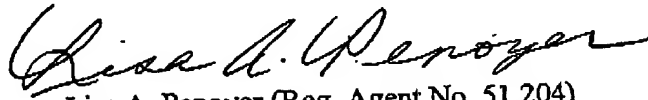
## Conclusion

The present Amendment clarifies issues for appeal and presents no new matter. Further, it is submitted that the present Amendment does not raise new issues requiring further search or consideration by the Examiner. As such, entry of the foregoing amendments is respectfully requested. Applicants believe that the present Amendment is

KOVALIC *et al.*  
Appln. No. 09/684,016  
Page 6

in proper condition for entry in this application. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (202) 942-5325.

Respectfully submitted,



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Date: July 29, 2003

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